

§ 0.64-4

§ 0.64-4 Delegation respecting temporary transfers, in custody of certain prisoner-witnesses from a foreign country to the United States to testify in Federal or State criminal proceedings.

The Assistant Attorney General in charge of the Criminal Division is authorized to exercise all of the power and authority vested in the Attorney General under 18 U.S.C. 3508 which has not been delegated to the Director of the United States Marshals Service under 28 CFR 0.111a, including specifically the authority to determine whether and under what circumstances temporary transfer of a prisoner-witness to the United States is appropriate or inappropriate; to determine the point at which the witness should be returned to the transferring country; and to enter into appropriate agreements with the transferring country regarding the terms and conditions of the transfer. The Assistant Attorney General in charge of the Criminal Division is authorized to redelegate this authority to the Deputy Assistant Attorneys General, Criminal Division, and to the Director and Deputy Directors of the Office of International Affairs, Criminal Division.

[Order 1913-94, 59 FR 46551, Sept. 9, 1994]

§ 0.64-5 Policy with regard to bringing charges under the Economic Espionage Act of 1996, Pub. L. 104-294, effective October 11, 1996.

The United States may not file a charge under the Economic Espionage Act of 1996 (EEA), Pub. L. 104-294, 110 Stat. 3488, 18 U.S.C. 1831 *et seq.*, effective October 11, 1996, or use a violation of the EEA as a predicate offense under any other law, without the personal approval of the Attorney General, the Deputy Attorney General, or the Assistant Attorney General of the Criminal Division (or the Acting official in each of these positions if a position is filled by an Acting Official). Violations of this regulation are appropriately sanctionable and will be reported by the Attorney General to the Senate and House Judiciary Committees. Responsibility for reviewing proposed charges under the EEA rests with the Computer Crime and Intellectual Prop-

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erty Section, Criminal Division, which will consult with the Internal Security Section, Criminal Division, in cases involving charges under 18 U.S.C. 1831. This regulation shall remain in effect until October 11, 2001.

[Order No. 2130-97, 62 FR 63453, Dec. 1, 1997]

APPENDIX TO SUBPART K OF PART 0

CRIMINAL DIVISION

[Directive 8-75]

EDITORIAL NOTE: Criminal Division Directive 8-75, was superseded by Criminal Division Directive 58, appearing at 44 FR 18661, Mar. 29, 1979.

[Directive 58]

DELEGATION RESPECTING DENIAL OF INFORMATION REQUESTS

The Assistant Attorney General in charge of the Criminal Division, hereby, delegates pursuant to 28 CFR 16.5(b) (as amended March 1, 1975) and 28 CFR 16.45(a), his authority under those sections to deny a request for information under 5 U.S.C. 552(a) or 5 U.S.C. 552a to the Director and Associate Director of the Office of Legal Support Services of the Criminal Division and to the Deputy Assistant Attorney General of the Criminal Division who supervises that Office. The Director, Associate Director, or Deputy Assistant Attorney General making the denial shall be the "person responsible for the denial," within the meaning of 5 U.S.C. 552(a).

[Directive No. 73]

REDELEGATION OF AUTHORITY TO DEPUTY ASSISTANT ATTORNEYS GENERAL AND DIRECTOR OF THE OFFICE OF INTERNATIONAL AFFAIRS RESPECTING TRANSFER OF OFFENDERS TO AND FROM FOREIGN COUNTRIES

By virtue of the authority vested in me by § 0.64 -2 of title 28 of the Code of Federal Regulations, the authority delegated to me by that section to exercise all of the power and authority vested in the Attorney General under Section 4102 of title 18, U.S. Code, which has not been delegated to the Director of the Bureau of Prisons, including specifically the authority to find the transfer of offenders to or from a foreign country under a treaty as referred to in Public Law 95-44 appropriate or inappropriate, is hereby redelegated to each of the Deputy Assistant Attorneys General and the Director of the Office of International Affairs of the Criminal Division.